

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**COLONY INSURANCE COMPANY, )**

**PLAINTIFF, )**

**VS. ) 2:09-cv-895-JHH**

**BANANA JOE'S, INC., )**

**a/k/a Birmingham Entertainment, )**

**LLC; JESS MONROE; )**

**CALVIN HUGHES, III; and )**

**JASON YARBROUGH, )**

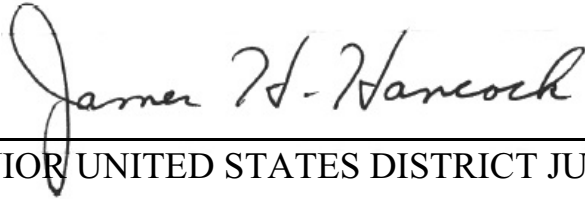
**DEFENDANTS. )**

**MEMORANDUM OF OPINION**

The court has before it the response (doc # 15) of plaintiff Colony Insurance Company, filed on September 22, 2009, to the court's September 9, 2009 order (doc. #14) directing plaintiff to show cause why the action should not be dismissed. In that order, the court outlined its reasons for declining to exercise jurisdiction over this declaratory judgment action. (See doc. #14 at 5-8.) The court is not persuaded by the arguments advanced by plaintiff and stands by its earlier reasoning.

A separate order dismissing the case will be entered.

**DONE** this the 23rd day of September, 2009.

A handwritten signature in black ink, reading "James H. Hancock". The signature is written in a cursive style with a large initial "J".

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SENIOR UNITED STATES DISTRICT JUDGE